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5 **UNITED STATES DISTRICT COURT**
6 **SOUTHERN DISTRICT OF CALIFORNIA**
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8 JACKSON E. THOMAS,

9 Plaintiff,

10 vs.

11 JEANNE S. WOODFORD, et al.,

12 Defendant.

CASE NO. 07CV1358 WQH (AJB)

ORDER CLOSING CASE

13 HAYES, Judge:


14 On July 25, 2007, Petitioner Jackson E. Thomas filed a Petition for Writ of Habeas Corpus
15 pursuant to 28 U.S.C. § 2254. (Doc. # 1). Thereafter, on August 9, 2007, the Court dismissed the
16 Petition without prejudice and with leave to amend on the grounds that Petitioner failed to name the
17 proper respondent. (Doc. # 3). As noted in the Court's Order of August 9, 2007, "[t]he actual person
18 who is [the] custodian [of the petitioner] must be the respondent." (Doc. # 3 at 2); *see also Ashley v.*
19 *Washington*, 394 F.2d 125, 126 (9th Cir. 1968); *Brittingham v. United States*, 982 F.2d 378, 379 (9th
Cir. 1992).

20 On October 9, 2007, Petitioner filed an ex parte motion requesting an extension of time to file
21 a First Amended Petition (Doc. # 4). On October 15, 2007, this Court granted the ex parte motion and
22 ordered Petitioner to file a First Amended Petition on or before November 19, 2007. (Doc. # 5).

23 Petitioner did not file a First Amended Petition on or before November 19, 2007. Accordingly,
24 the Clerk of the Court is Ordered to close this case.

25 **IT IS SO ORDERED.**

26 DATED: February 19, 2008

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28 **WILLIAM Q. HAYES**
United States District Judge